

1 JOHN B. SULLIVAN (State Bar No. 96742)
 2 REGINA J. McCLENDON (State Bar No. 184669)
 rjm@severson.com
 3 ERIK KEMP (State Bar No. 246196)
 ek@severson.com
 4 SEVERSON & WERSON
 A Professional Corporation
 One Embarcadero Center, Suite 2600
 5 San Francisco, CA 94111
 Telephone: (415) 398-3344
 6 Facsimile: (415) 956-0439

7 Attorneys for Defendant
 8 EMC MORTGAGE CORPORATION

9
 10 UNITED STATES DISTRICT COURT
 11
 NORTHERN DISTRICT OF CALIFORNIA

12 JAE DONG JUN, AKIHITO TAKAMURA, and
 13 LEO TAKAMURA,

14 Plaintiffs,

15 vs.

16 EMC MORTGAGE COMPANY, and DOES 1-10,

17 Defendants.

Case No.: 07-cv-06281 MMC

**REQUEST FOR JUDICIAL NOTICE IN
 SUPPORT OF EMC MORTGAGE
 CORPORATION'S MOTION FOR
 SUMMARY JUDGMENT**

Date: September 5, 2008
 Time: 9:00 a.m.
 Dept.: 7
 Judge: Hon. Maxine M. Chesney

18
 19 Pursuant to Rule 201 of the Federal Rules of Evidence, which allows a court to take judicial
 20 notice of public records (*see Disabled Rights Action Committee v. Las Vegas Events, Inc.*, 375 F.3d
 21 861, 866, n.1 (9th Cir. 2004)), defendant EMC Mortgage Corporation requests that the Court take
 22 judicial notice of the following documents, which are public records that were duly recorded in the
 23 Official Records of San Mateo County:

24 1. The Deed of Trust dated August 8, 2003, signed by plaintiffs Jae Dong Jun, Akihito
 25 Takamura, and Leo Takamura, which encumbers the real property located at 151 Goodwin Drive,
 26 San Bruno, CA 94066 (the "Property"), and which was recorded on August 28, 2003, as Instrument

1 No. 2003-246003 in the Official Records of San Mateo County. A true and correct copy of this
2 deed of trust is attached hereto as Exhibit A.

3 2. The Notice of Default and Election to Sell Under Deed of Trust which was recorded
4 against the Property on December 21, 2005, as Instrument No. 2005-222414 in the Official Records
5 of San Mateo County. A true and correct copy of this notice of default is attached hereto as
6 Exhibit B.

7 3. The Notice of Trustee's Sale recorded against the Property on September 19, 2006,
8 as Instrument No. 2006-141659 in the Official Records of San Mateo County. A true and correct
9 copy of this notice of trustee's sale is attached hereto as Exhibit C.

10 4. The Trustee's Deed Upon Sale recorded on March 21, 2007, as Instrument
11 No. 2007-043100 in the Official Records of San Mateo County, and which conveyed title to the
12 Property to Daniel J. Rosenbledt, Trustee of the Rosenbledt Pie Trust. A true and correct copy of
13 this trustee's deed upon sale is attached hereto as Exhibit D.

14

15 DATED: July 25, 2008

SEVERSON & WERSON
A Professional Corporation

16

17

By: _____ /s/ *Erik Kemp*
Erik Kemp

18

19

Attorneys for Defendant
EMC MORTGAGE CORPORATION, sued
incorrectly herein as EMC Mortgage Company

20

21

22

23

24

25

26

27

28